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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.				
10/813,078	03/31/2004	Patrick Hallinan	066949-0001	4644				
7590 07/08/2005								
Dykema Gossett, PLLC Suite 300 West 1300 I Street, N.W. Washington, DC 20005-3306		<table border="1"> <tr> <td>EXAMINER</td> </tr> <tr> <td>PETRAVICK, MEREDITH C</td> </tr> </table>			EXAMINER	PETRAVICK, MEREDITH C		
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3671								
DATE MAILED: 07/08/2005								

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/813,078	Applicant(s) HALLINAN ET AL.	
	Examiner Meredith C. Petravick	Art Unit 3671	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

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DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because of the use of legal phraseology. The word “means” appears in the abstract. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4, 7, 11-14 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Nafziger 6,786,030.

Nafziger discloses a trimming system on a mower. The trimming system includes:

- a drive means (28, 26, 24) operatively coupled to a drive system of the mower
- a trimming unit (16) coupled to the drive means

Regarding claims 2, 12, the drive means includes a drive pulley (26) and a drive pulley (24).

Regarding claim 3, 13, the drive pulley is coupled to a mowing unit (12) and can simultaneously drive the mowing and trimming units.

Regarding claim 4, 7, 14 and 16, a guide wheel (17) is mounted on a drive axle of the trimming unit. The guide wheel is considered to be mounted on the vehicle and adjacent the trimming unit since the trimming unit is mounted on the vehicle.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4, 6, 11, 13, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Philips 5,303,532, cited by Applicant, in view of Aldrich 6,032,443, cited by Applicant.

Philips discloses a trimming system on a mowing vehicle including a drive means (38) and a trimming unit (22). The drive means is attached to the trimmer and independent of the drive system of the vehicle and not coupled to it as claimed. However, Philips does suggest that other trimmers could be used, including trimmers with motors attached to the vehicle (Col. 3, lines 4-20).

Like Philips, Aldrich discloses a trimming system on a mowing vehicle. Unlike Philips Aldrich drives the trimmer from the vehicle's battery or drive means. Aldrich discloses that this causes the trimmer to be lightweight and easier to use (Col. 2, lines 25-41).

Given the suggestion in Philips, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use a trimmer drive by the vehicle as in Aldrich instead of the trimmer in Philips, in order to facilitate ease of use.

Regarding claims 4, 6, Philips discloses a guide wheel (102) mounted on a resiliently biased bracket (98).

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Regarding claim 11, in the mower and trimmer of the combination would be selectively and simultaneously driven.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Philips in view of Aldrich as applied to claim 4 above, and further in view of Birnbaum et al. 3,923,316.

The combination discloses the invention described above and further suggests making the wheels (Philips 102) roller skate wheels. The combination does not disclose making the wheels from nylon.

As suggested in Philips, Birnbaum discloses a roller skate wheel and teaches that roller skate wheels are made from nylon (Col. 2, lines 28-33).

Given the teaching in Philips, it would have been obvious to one of ordinary skill in the art to use a wheel made from nylon as in Birnbaum.

6. Claims 8-10 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nafziger in view of Sheldon 5,960,617.

Nafziger discloses the device described above. However, Nafziger does not disclose making the guide wheel and spindle assembly of the height adjustable on a threaded shaft.

Like Nafziger, Sheldon discloses a spindle assembly (10) for a mower including an accessory on top. Unlike Nafziger, Sheldon discloses making the assembly height adjustable by using a threaded shaft (Fig. 2a).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the trimmer assembly of Nafziger height adjustable as in Sheldon.

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Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meredith C. Petravick whose telephone number is 571-272-6995. The examiner can normally be reached on M-T 8:00 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will can be reached on 571-272-6998. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Meredith C Petravick
Primary Examiner
Art Unit 3671

July 5, 2005